Rubenstein v. Frey Doc. 11 Att. 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re "A Million Little Pieces Litigation"	:	MDL Docket No. 1771
THIS DOCUMENT RELATES TO ALL ACTIONS	:	

(PROPOSED) PRETRIAL ORDER NO. 1

AND NOW, this __________ day of _____________, 2006, upon consideration of the "A Million Little Pieces" Plaintiffs' Group's Motion for Consolidation and Appointment of Interim Counsel, it is hereby ORDERED and DECREED as follows:

A.

CONSOLIDATION

1. These coordinated actions, and any other action arising out of the sale and distribution of the book "*A Million Little Pieces*" to the public relating to the alleged fabrications thereof filed in the United States District Court for the Southern District of New York, or that have been transferred herein that involve questions of law or fact similar to those contained herein are consolidated for all purposes.

B.

PENDING, SUBSEQUENTLY FILED, AND TRANSFERRED RELATED ACTIONS

2. Each and every putative action filed in, or transferred to, the United States District Court for the Southern District of New York that involves questions of law or

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fact similar to those contained in the Consolidated Action shall constitute a case related to the Consolidated Action ("Related Action" or the "Related Actions").

3. Each Related Action shall be governed by the terms of this Pretrial Order No. 1 and shall be consolidated for all purposes with the Consolidated Action. Upon the filing of a Related Action, Defendants' counsel shall mail a copy of this Order to counsel for the Plaintiff in each Related Action.

4. A party to any Related Action may, for good cause shown, move for relief from the terms of this Pretrial Order No. 1 only if such motion is filed with the Court and served upon Plaintiffs' Interim Counsel (as defined herein) and counsel for the defendants within thirty (30) days of the mailing of this Pretrial Order No. 1 to counsel for such party.

C.

PREVIOUSLY FILED PAPERS

5. All papers previously filed and served to date, if any, in the cases consolidated herein are deemed to be and are hereby adopted as part of the record in the Consolidated Action.

D.

FILING OF THE ORDER

6. This Order shall be filed in the file of No. 06-MDL-1771 and the entry of the Order shall be docketed in each of the consolidated actions. All papers filed by Plaintiffs and Defendants under the above-consolidated caption shall be filed only in action 06-mdl-1771.

E.

COORDINATION OF PLEADINGS AND OTHER PAPERS

7. Service by Defendants on Plaintiffs of any papers relating to the Consolidated Action shall be deemed to be complete when copies are served on Liaison Counsel by hand delivery, facsimile, or overnight mail. Except when otherwise agreed, Plaintiffs' Liaison Counsel shall serve Defendants' counsel by hand delivery, facsimile, electronic mail or overnight mail.

F.

APPOINTMENT OF INTERIM PLAINTIFFS' CLASS COUNSEL

8. Prosecution of the Consolidated Action and each Related Action on behalf of Plaintiffs shall be managed and directed by Plaintiffs' Co-Interim Class Counsel Larry D. Drury, Ltd. and Brodsky & Smith, LLC. All specific assignments to perform tasks in the Consolidated Action shall be appointed by Plaintiffs' Co-Interim Counsel in such a manner as to lead to the orderly and efficient prosecution of the Consolidated Action and each Related Action and to avoid duplicative or unproductive effort and unnecessary burdens on the parties.

9. Plaintiffs' Co-Interim Counsel shall have the following responsibilities and duties, to be carried out either by Plaintiffs' Co-Interim Class Counsel or by other Plaintiffs' counsel as designated by Plaintiffs' Co-Interim Class Counsel:

A. to brief and argue motions and file appropriate papers in response to proceedings initiated by other parties;

B. to initiate and conduct discovery proceedings including, but not limited to, the preparation of discovery materials and discussions or negotiations with counsel for Defendants;

C. to direct and coordinate the examination of witnesses in depositions and oral interrogatories;

D. to speak for Plaintiffs at pretrial conferences;

E. to conduct settlement negotiations on behalf of Plaintiffs;

F. to delegate responsibilities for specific tasks to other Plaintiffs' counsel in manner to assure that pretrial preparation for Plaintiffs is conducted effectively, efficiently, and economically;

G. to coordinate the use and retention of experts and consult with experts;

H. to maintain contemporaneous attorneys' fees itemization and insure that there is no unnecessary and/or duplicative work performed;

I. to perform such other duties as may be expressly authorized or required by further Order of Court;

12. Plaintiffs' Liaison Counsel, Law Offices of Thomas Mullaney shall be responsible for coordinating all appearances on behalf of Plaintiffs and for the dissemination of notices and orders of this Court. Plaintiffs' Liaison Counsel shall also be available and responsible for communications to and from this Court, including distributing orders and other directions from the Court to counsel. Plaintiffs' Liaison Counsel shall be responsible for creating and maintaining a master service list of all parties and their respective counsel.

BY THE COURT:

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HONORABLE RICHARD J. HOLWELL
UNITED STATES DISTRICT COURT JUDGE